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AT ROANOKE, VA
FILED

April 10, 2025

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

HENRY CHRISTIAN OLSEN,)
Petitioner,) Civil Action No. 7:01-cv-00310
)
)
)
v.)
) By: Elizabeth K. Dillon
RONALD J. ANGELONE,) Chief United States District Judge
Respondent.)

ORDER

The petitioner in this matter, Henry Christian Olsen, was convicted of two counts of aggravated sexual assault and one count of forcible sodomy in 1997 in the Circuit Court for Nelson County. He was sentenced to life imprisonment on the sodomy charge and fifteen years for each count of aggravated assault. (See Dkt. No. 11.) The petitioner filed this action pursuant to 28 U.S.C. § 2254 in 2001. The court denied Olsen's petition, and the denial was affirmed on appeal. In the years since, Olsen has filed numerous motions for reconsideration in this closed matter, all of which have been denied or dismissed for various reasons. (See, e.g., Dkt. No. 88.) Most recently, on August 22, 2024, the court issued an order dismissing a motion to vacate the judgment as an unauthorized successive petition and declining to issue a certificate of appealability. (Dkt. No. 104.)

Now before the court is Olsen's motion for a certificate of appealability. (Dkt. No. 107.) Because the court previously denied a certificate of appealability, the court will treat the current motion as one for reconsideration of that denial. *See McGinn v. Williams*, Case No. 23-3095-JWL, 2023 WL 3055324, at *1 (D. Kan. Apr. 24, 2023). A certificate of appealability should only issue upon a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). The court denied Olsen's motion because, procedurally, it was a successive petition

that required prior authorization from the court of appeals to be considered on its merits in the district court. *See* 28 U.S.C. § 2244(b)(3)(A). When the district court denies a habeas petition on procedural grounds without reaching the underlying constitutional claim, a certificate of appealability “should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Jurists of reason would not find it debatable that Olsen’s motion, ECF No. 101, was a second or successive motion.

For these reasons, it is hereby ORDERED that Olsen’s motion for a certificate of appealability (Dkt. No. 107) is DENIED. Olsen’s motion to proceed in forma pauperis (Dkt. No. 108) is DENIED as moot.

The Clerk is directed to transmit a copy of this order to Olsen.

Entered: April 10, 2025.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
Chief United States District Judge